

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	No. CR-07-103-FVS
Plaintiff,)	
)	ORDER GRANTING DEFENDANT'S
v.)	UNOPPOSED MOTION TO
)	RECONSIDER AND SETTING
ROBERT H. SMITH, III,)	CONDITIONS OF RELEASE
)	
Defendant.)	

At the July 30, 2007, hearing on Defendant's Motion to Reconsider (Ct. Rec. 18, 21) detention hearing, Assistant U.S. Attorney George Jacobs appeared for the United States. Defendant was present with Assistant Federal Defender Jaime Hawk. The United States did not oppose Defendant's Motion.

The court is advised Defendant will have a more suitable residence with a telephone by the end of this week. Pretrial Services is directed to review the proposed residence and advise the court if it is a suitable residence for the Defendant to be released to.

IT IS ORDERED Defendant's Motion (Ct. Rec. 18, 21) is **GRANTED**. Following Pretrial Services' confirmation to the court of the suitability of Defendant's proposed residence, Defendant shall be released on the following conditions:

1. Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise his supervising Pretrial Services Officer and his attorney within one business day

1 of any charge, arrest, or contact with law enforcement.

2 2. Defendant shall advise the court and the United States
3 Attorney in writing before any change in address.

4 3. Defendant shall appear at all proceedings and surrender as
5 directed for service of any sentence imposed.

6 4. Defendant shall sign and complete form A.O. 199C before
7 being released and shall reside at the address furnished. **Defendant**
8 **shall have a curfew of 7:00 p.m. to 6:00 a.m.**, except for urgent
9 health-related matters for his family.

10 5. Except for travel to Spokane for court-related
11 appearances, Defendant shall remain in the District of Idaho while
12 the case is pending. On a showing of necessity, Defendant may
13 obtain prior written permission to leave this area from the United
14 States Probation Office.

15 6. Defendant shall maintain or actively seek lawful
16 employment.

17 7. Defendant shall not possess a firearm, destructive device
18 or other dangerous weapon.

19 8. Defendant is further advised, pursuant to 18 U.S.C. §
20 922(n), it is unlawful for any person who is under indictment for a
21 crime punishable by imprisonment for a term exceeding one year, to
22 possess, ship or transport in interstate or foreign commerce any
23 firearm or ammunition or receive any firearm or ammunition which has
24 been shipped or transported in interstate or foreign commerce.

25 9. Defendant shall refrain from the use of alcohol, and the
26 use or possession of a narcotic drug and other controlled substances
27 defined in 21 U.S.C. § 802, unless prescribed by a licensed medical
28

1 practitioner. Defendant shall undergo a substance abuse evaluation,
2 if directed by a United States Probation Officer, and complete
3 treatment indicated by the evaluation. Defendant shall be
4 responsible for the cost of testing, evaluation and treatment unless
5 the United States Probation Office should determine otherwise. The
6 United States Probation Office shall also determine the time and
7 place of testing and evaluation and the scope of treatment. If
8 urinalysis testing is not done through a treatment program, random
9 urinalysis testing shall be conducted through Pretrial Services, but
10 shall not exceed six (6) times per month

11 10. Defendant shall report to the United States Probation
12 Office before or immediately after his release and shall report as
13 often as they direct, at such times and in such manner as they
14 direct. Defendant shall contact his attorney at least once a week.

15 11. Defendant shall post a \$5,000 appearance bond.

16 **Defendant is advised a violation of any of the foregoing**
17 **conditions of release may result in the immediate issuance of an**
18 **arrest warrant, revocation of release and prosecution for contempt**
19 **of court, which could result in imprisonment, a fine, or both.**
20 **Specifically, Defendant is advised a separate offense is established**
21 **by the knowing failure to appear and an additional sentence may be**
22 **imposed for the commission of a crime while on this release. In**
23 **this regard, any sentence imposed for these violations is**
24 **consecutive to any other sentence imposed.**

25 DATED July 30, 2007.

26 S/ CYNTHIA IMBROGNO

27 UNITED STATES MAGISTRATE JUDGE